



C A S T A N & L E C C A
A T T O R N E Y S A T L A W

Atlanta

51 Lenox Point NE
Atlanta GA, 30324

Norcross

4131 Steve Reynolds Blvd, Suite #102
Norcross GA, 30093

Brinker International
Attn: Lisa Moore
Claim #:2022GL000134
3000 Olympus Blvd.
Dallas, TX 75019
Email: lisa.moore@brinker.com

June 3, 2022

RE: Our Client: Alexander Acosta
Negligent Party: Mt. Zion-Chili's #476C
Date of Loss: 7-10-2021
Claim No.: 2022GL000134

The following material, including medical reports, bills, receipts, analysis, evaluations, and other documents, have been compiled to evaluate the liability of your insured, the nature of our client's injuries, and the extent of damages sustained by our client as a result of the dangerous conditions of your insured's property.

This material is being submitted to you for purposes of negotiation only. Your review of this information is under the condition that nothing contained herein shall constitute an admission by our client and that nothing contained herein shall be admissible against our client at any hearing or trial.

LIABILITY

On July 10, 2021, Mr. Acosta was a customer at Chili's Grill & Bar located at 2230 Mt Zion Pkwy, Morrow, GA 30260. Mr. Acosta was walking down the aisle of the restaurant on his way to the restroom when he slipped on a wet substance that was left unattended on the floor of the restaurant. Our client landed on his right knee and then fell towards the right side of his body onto concrete flooring. The incident was reported to the Manager on duty. Our client went home to rest after the incident, hoping the pain would improve but after a few days he needed medical attention.

As you are aware, where an owner or occupier of land, by express or implied invitation, induces or leads others to come upon his premises for any lawful purpose, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises safe. O.C.G.A. § 51-3-1.

INJURIES AND TREATMENT

As any reasonable person can imagine, Mr. Acosta sustained both physical and emotional injuries as a result of your insured's negligence. Our client noticed immediate pain and swelling in the right knee. Our decided to treat at home with over-the-counter medicine and home remedies. After noticing he was not feeling better, Mr. Acosta decided to get orthopedic treatment due to his constant neck and right knee pain.

On July 16, 2021, Mr. Acosta sought treatment at Georgia Spine and Orthopedic with complains of neck pain and right knee pain. After a medical examination, medicine was prescribed, and he was recommended to start physical therapy treatment to improve his situation.

On August 12, 2021, our client returned to Georgia Spine and Orthopedics with complaints of neck and right knee pain. After a medical examination he was recommended to continue with physical therapy, encouraged to follow a home exercise program and was given medication for his pain and inflammation.

On October 10, 2021, our client returned to Georgia Spine and Orthopedics with complaints of neck and right knee pain. After a medical examination he was recommended to continue with physical therapy for his neck to continue follow up with Dr. Smith for right knee and a cervical MRI was ordered.

Since conservative treatment failed, Mr. Acosta obtained a cervical MRI with positive findings of disc herniations at C2-3, C3-4, C6-7.

On October 19, 2021, our client returned to Georgia Spine and Orthopedics with complaints of right knee pain. After a medical examination he was recommended to continue with physical therapy for his right knee and a right knee MRI was ordered.

On October 20, 2021, our client returned to Georgia Spine and Orthopedics with complaints of neck pain. After a medical examination and MRI reviewed. He was diagnosed with herniated disc C2-3 with OPLL at C2 and C3 level, herniated disc with thecal sac impingement, right facet arthropathy, right neuroforaminal stenosis and right C4 nerve root impingement C3-4, disc bulge C4-5, herniated disc with cord impingement with left neuroforaminal stenosis and left C7 nerve root impingement C6-7 and disc bulge C7-T1 he was recommended to continue with physical therapy for his neck and to follow up with Dr. Figa for consideration of injections.

On October 29, 2021, our client returned via telemedicine to Georgia Spine and Orthopedics with complaints of neck pain. After a medical examination he was recommended to continue with physical therapy for his neck and to consider cervical injections.

On November 8, 2021, our client returned to Georgia Spine and Orthopedics with complaints of right knee pain. After a medical examination he was recommended to continue with physical therapy for his right knee and a right knee MRI was ordered.

On November 30, 2021, our client returned via telemedicine to Georgia Spine and Orthopedics with complaints of neck pain and right knee pain. After a medical examination he was recommended to continue with the home exercise program for his neck and to consider cervical injections.

Our client continued treating and working on his home exercise program until March-14-2022 when he returned to Georgia Spine and Orthopedics with complaints of neck pain to complete his facet injection blocks with Dr. Figa. The procedure went well with no complications and our client was sent home after a few hours in observation.

On April 12, 2022, our client returned via telemedicine to Georgia Spine and Orthopedics. After a medical examination our client had improved with treatment, but Mr. Acosta most likely to suffer of periodic pain flareups and might need a short course of therapy and/or facet injections and a possible radiofrequency ablation. Our client was released of care and told to come back on as needed basis.

Georgia law requires that Mr. Acosta be compensated by your at-fault insured for his pain and suffering which includes damages for: 1) physical and emotional pain; 2) discomfort; 3) anxiety; 4) hardship; 5) distress; 6) inconvenience; 7) physical impairment; 8) mental anguish; 9) disfigurement; 10) loss of enjoyment of life; and 11) all other non-pecuniary losses of any kind.

MEDICAL EXPENSES & FUTURE MEDICAL COSTS

<u>Medical Provider</u>	<u>Amount Charged</u>
Georgia Spine and Orthopedics	\$18,894.09
American Health Imaging	\$4,450.00
Benchmark Physical Therapy	\$7,764.75
<u>Total Medical Special Damages</u>	<u>\$31,108.84</u>

SETTLEMENT DEMAND

Mr. Acosta's medical bills alone do not accurately exemplify the physical and emotional pain and suffering he has endured and continues to endure as a result of your insured's negligence. Nonetheless, Mr. Acosta is a reasonable person and would prefer to reach an amicable resolution to this claim. As such he has authorized me to submit a settlement demand of **THREE-HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$300,000.00)** resolve this personal injury claim prior to filing suit. We have included medical records and bills for your review.

Acceptance of this demand should be made by delivery of a draft payable to Alexander Acosta and Castan & Lecca, PC. Attorneys at Law, with Tax ID No: 01-0569162, 51 Lenox Pointe, Atlanta, GA 30324 within thirty (30) days of your receipt of this demand. Our client will execute a mutually agreeable Release.

I have attached copies of the police report, medical records and medical bills. Thank you for your time and attention to this matter. If you require any additional information, do not hesitate to contact me at (404)923 7570 or my assistant, Jorge Contreras. Thank you for your careful review of this claim and looking forward to discussing the resolution of this case.

Sincerely,

Castan and Lecca PC

A handwritten signature in black ink, appearing to read 'Alexander Lecca', with a stylized flourish at the end.

Alexander Lecca
Attorney at Law